

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-155 (SRN/TNL)

Plaintiff,

v.

ORDER

Obuatawan Leon Holt (1), and
Latoya Bea Smith (2),

Defendants.

This matter comes before the Court on Defendant Latoya Bea Smith’s Unopposed Motion to Continue Motions Filing Deadline and Motion Hearing and to Exclude Time Under the Speedy Trial Act, ECF No. 33. Defendant Smith also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act (“Statement of Facts”), ECF No. 34.

Defendant Smith requests a one-month extension of the deadline for filing pretrial motions, the motions hearing date, and related dates. ECF No. 33 at 2. Defendant Smith states that additional time is needed for the Government “to either provide copies or make available for copying certain Rule 16 disclosures that [Defendant Smith] has not received, including but not limited to body-worn camera video footage.” *Id.* Defendant Smith also contends that additional time is needed “for the parties to meet and confer regarding multiple categories of discovery [Defendant Smith] has requested from the [Government], the basis for this prosecution, and several potential pretrial motions” *Id.* Counsel for Defendant Smith has conferred with the Government, who has no objection to the

requested extension, as well as counsel for Defendant Obuatawan Leon Holt, who has no objection to the requested extension and who also intends to move to continue the motions filing and related deadlines by approximately one month. *Id.* at 1. In her Statement of Facts, Defendant requests that this period of time be excluded from computation under the Speedy Trial Act. ECF No. 34 at 1; *see also* ECF No. 33.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Smith's Unopposed Motion to Continue Motions Filing Deadline and Motion Hearing and to Exclude Time Under the Speedy Trial Act, ECF No. 33, is **GRANTED**.

2. The period of time from **the date of this Order through June 30, 2023**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).

3. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days

before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **June 30, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

5. Counsel shall electronically file a letter on or before **June 30, 2023**, if no motions will be filed and there is no need for hearing.

6. All responses to motions shall be filed by **July 14, 2023**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses shall be filed by **July 14, 2023**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses shall be filed by **July 19, 2023**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing, shall take place before the undersigned on **July 25, 2023, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Susan Richard Nelson on or before **August 7, 2023**.

This case must commence trial on **August 14, 2023**, at **9:00 a.m.** before District Judge Susan Richard Nelson in Courtroom 7B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Nelson to confirm the new trial date.**

Dated: May 30, 2023

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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